

FIFTY-EIGHTH DAY.

(Wednesday, April 14, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called and the following Senators were present:

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

A quorum was announced present.

The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Roberts.

Reports of Standing Committees.

Reports on Senate Bills Nos. 468, 457, 462, 287, 358, 473, 474, and 475, on House Bills Nos. 55, 671, 726, 539, 23 and 998 and on S. C. R. No. 53, were submitted by the chairmen of the several committees to which they were referred. (See appendix for reports in full.)

Senate Bills on First Reading.

Senator Redditt moved that the rule limiting the time for introduction of certain bills to the first 45 days of the session be suspended, to permit the introduction at this time of a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31.

Aikin	Collie
Beck	Cotten
Brownlee	Davis
Burns	Head

Hill	Roberts
Holbrook	Shivers
Isbell	Small
Lemens	Spears
Moore	Stone
Neal	Sulak
Nelson	Van Zandt
Newton	Weinert
Oneal	Westerfeld
Pace	Winfield
Rawlings	Woodruff
Redditt	

The following bill was then introduced, read first time and referred to the Committee on State Affairs:

By Senator Redditt:

S. B. No. 473, A bill to be entitled "An Act authorizing, consenting to and granting permission to C. B. Fairchild to sue the State of Texas, and ratifying and confirming consent heretofore given; and declaring an emergency."

Senator Redditt moved that the rule limiting the time for introduction of certain bills to the first 45 days of the session be suspended, to permit the introduction at this time of a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

The following bill was then introduced, read first time and referred to the Committee on State Affairs:

By Senator Redditt:

S. B. No. 474, A bill to be entitled "An Act authorizing, consenting to and granting permission to J. W.

Sessions to sue the State of Texas, and ratifying and confirming consent heretofore given; and declaring an emergency."

Senator Davis moved that the rule limiting the time for introduction of certain bills to the first 45 days of the session be suspended, to permit the introduction at this time of a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26.

Aikin	Nelson
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Winfield

Absent.

Head	Westerfeld
Newton	Woodruff
Shivers	

The following bill was then introduced, read first time and referred to the Committee on State Affairs:

By Senator Davis:

S. B. No. 475, A bill to be entitled "An Act providing a title for the Act; providing the definition of certain words, terms and phrases; providing for the repeal of that part of 'The Securities Act' defining a security as a 'certificate or any instrument representing any interest in or under an oil, gas or mining lease, fee or title' and defining such interest as real estate; providing certain exemptions; providing any one Act prohibited herein shall be a violation hereof; providing for the administration of the Act and imposing certain duties on the Assistant Secretary of State and Securities Commissioner and providing compensation therefor; providing for employment of such additional help as may be necessary for the enforcement of

the Act; providing certain procedure for securing real estate dealers' and real estate salesmen's licenses and for certain information to be supplied by applicant and requiring the recommendation of the applicant by three real estate owners; providing a partnership, association or corporation licensed under the Act can designate one of its members or officers to be licensed as a real estate dealer without additional charge and imposing certain restrictions; providing any member of partnership or officer of association or corporation not designated required to be licensed before acting as a real estate dealer and imposing certain restrictions; providing for the licensing of non-resident real estate dealers and salesmen and making certain requirements discretionary if non-resident is licensed under the laws of another state and providing licensed non-resident need not maintain a definite place of business if one maintained in State of non-resident's domicile and providing for filing by non-resident an irrevocable consent to service and appointment of Secretary of State as agent for service of process for actions arising in this State, imposing certain duties on Secretary of State when served with process and outlining certain procedure for non-resident corporation or association when consent to service is filed; making provision for requisition of additional information of applicant and vesting Secretary of State with power to make rules and regulations connected with application for a license; etc., and declaring an emergency."

Invitation Extended.

Senator Moore extended an invitation from the citizens of the City of Houston, and of Harris County, Texas, to the Members of the Senate to visit the City of Houston on April 21, 1937, and to attend the dedication in San Jacinto State Park of the monument to the memory of the heroes of the Battle of San Jacinto.

On motion of Senator Burns, the invitation was accepted.

Senate Resolution No. 67.

Senator Aikin offered the following resolution:

Whereas, Honorable Charles R. Floyd, a former member of this body, who served several years from the Eighth District, is in the Capitol; and

Whereas, The Senate would be delighted to have former Senator Floyd address the Senate; now, therefore, be it

Resolved, That Mr. Floyd be invited to address the Senate, and that he be given the privileges of the floor for today.

The resolution was read and by unanimous consent of the Senate was adopted at this time.

Accordingly, the President appointed Senators Aikin, Sulak and Collie to escort Hon. Charles R. Floyd to the President's Stand.

Senator Aikin presented Senator Floyd, who addressed the Senate briefly.

House Bill No. 326 on Second Reading.

On motion of Senator Holbrook and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 326, A bill to be entitled "An Act defining indigent and non-indigent patients in State and psychopathic hospitals; providing for their support and that the State be reimbursed for the support, maintenance, and treatment of non-indigent patients, etc., and declaring an emergency."

The President laid the bill before the Senate, and it was read second time.

Senator Holbrook offered the following (committee) amendment to the bill:

Amend H. B. No. 326 by striking out the phrase "or in case of his inability to act" in Section 5 of the printed bill and inserting in lieu thereof the following phrase: "or in case of the refusal or inability of both to act."

And amend caption to conform.

The (committee) amendment was adopted.

H. B. No. 326 was then passed to third reading.

33—Jour.

House Bill No. 326 on Third Reading.

Senator Holbrook moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 326 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27.

Aikin	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Winfield
Nelson	Woodruff
Oneal	

Absent.

Beck	Newton
Head	Westerfeld

The President laid H. B. No. 326 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27.

Aikin	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Winfield
Nelson	Woodruff
Oneal	

Absent.

Beck	Newton
Head	Westerfeld

Messages From the House.

A Clerk from the House was recognized to present the following messages:

Hall of the House of Representatives,
Austin, Texas, April 14, 1937.
Hon. Walter F. Woodul, President of
the Senate.

Sir: I am directed by the House
to inform the Senate that the House
has passed the following resolutions:

H. J. R. No. 2, Proposing an
amendment to Article III of the Con-
stitution of the State of Texas, by
adding a new Section thereto to be
known as Section 48b authorizing the
Legislature to establish a system of
unemployment insurance, and provid-
ing for the levying of a tax on pay-
rolls for such purpose; and providing
for its submission to the voters as
required by the Constitution, and
making an appropriation therefor.

H. C. R. No. 94, Authorizing the
State Highway Department to lend
certain equipment to the County of
Grimes for repairs on certain bridges.

S. C. R. No. 56, Expressing appre-
ciation to the Senate and General
Assembly of the State of Ohio for
their sympathy in the tragedy of the
New London, Texas, school catas-
trophe.

The House has, by a viva voce vote,
laid on the table the following bill:

H. B. No. 725, A bill to be entitled
"An Act to amend Section 14 of
Chapter 282, Senate Bill No. 82,
Acts of the Regular Session, Forty-
first Legislature; to amend Sections
4, 5, 7, 8 and 18, Chapter 282, Sen-
ate Bill No. 82, Acts of the Regular
Session, Forty-first Legislature as
amended by Chapter 174, Senate Bill
No. 279, Acts of the Regular Session
of the Forty-second Legislature; . . .
etc., and declaring an emergency."

The House has laid on the table,
by a vote of 86 yeas and 40 nays, the
following resolution:

H. J. R. No. 3, Proposing an
amendment to Article XVI of the
Constitution of the State of Texas by
adding thereto a new Section, known
as "Section 62," providing that the
Attorney General of the State of
Texas shall have the authority to
appoint six Assistant Attorneys Gen-
eral whose terms of office shall be
for six years except the first person
appointed shall serve; two for two
years, two for four years and two for
six years; said terms to be desig-
nated by the Attorney General at the
time of appointment; and further

providing that the salary of each of
such assistants shall be five thou-
sand (\$5,000.) dollars per annum,
payable in equal monthly install-
ments and further providing that the
Attorney General may appoint such
other Assistant Attorneys General
as the Legislature may authorize;
provided that said Assistant Attor-
neys General shall be subject to the
instructions of the Attorney General
at all times; and providing for the
necessary publication and election
and making an appropriation to pay
therefor.

The House has passed the follow-
ing bills:

H. B. No. 51, A bill to be entitled
"An Act to amend Article 2943, Re-
vised Civil Statutes of 1925, State of
Texas, and declaring an emergency."

H. B. No. 115, A bill to be entitled
"An Act to amend Article 1442,
Chapter 10, Title 17 of the Penal
Code of the State of Texas, 1925, by
increasing the maximum penalty for
the theft of sheep or goat from four
years to ten years, and declaring an
emergency."

H. B. No. 116, A bill to be entitled
"An Act to amend Article 1441,
Chapter 10, Title 17 of the Penal
Code of the State of Texas, 1925, by
increasing the maximum penalty for
the theft of cattle or hogs from four
years to ten years, and declaring an
emergency."

H. B. No. 163, A bill to be entitled
"An Act to validate the organization
and creation of all school districts,
including common school districts,
independent school districts, consoli-
dated common school districts, all
county line school districts, includ-
ing county line common school dis-
tricts, county line independent school
districts, county line consolidated
common school districts, county line
consolidated independent school dis-
tricts, rural high school districts, and
all other school districts, whether
created by General or Special Law
or by county boards of trustees; pro-
viding no transfer of territory is
validated by the Act unless author-
ized by an affirmative vote of voters
in such districts, validating the acts
of said county board of trustees and
boards of trustees of such districts;
validating all proceedings and acts
of said boards of trustees; validating
all bonds voted, authorized and/or

now outstanding of said districts; validating all tax levies made in behalf of said districts; authorizing and empowering all school districts mentioned in this Act to levy, assess, and collect the same rate of taxes as is now being levied, or attempted to be authorized by any act, or acts of said districts, or by any Act of the Legislature; making certain exemptions, and declaring an emergency."

(With engrossed rider.)

H. B. No. 177, A bill to be entitled "An Act creating a School of Petroleum Engineering to be conducted in connection with and as a branch of the Agricultural and Mechanical College of Texas; prescribing the courses of instruction, the purposes and the field of operations of such school; making provisions for the appointment of the members of the faculty, their compensation and the purchase of the necessary equipment; fixing the qualifications of the students and relating the rules and regulations governing same; authorizing annual short courses for oil field workers to be conducted by the school; designating the place for holding such short courses, and defining the methods of their conduct; placing state-owned lands available for such purpose at the disposal of the school for its field operations; providing for the commercial development of such lands and the apportionment of the profits arising therefrom in the event of oil or other mineral discoveries by the school; making an appropriation for the establishment of the school, and declaring an emergency."

(With engrossed rider.)

H. B. N. 259, A bill to be entitled "An Act amending Title 25, Article 911b, Section 6, of the Revised Statutes of the State of Texas, 1925, (Acts, 1929, Forty-first Legislature, page 698, Chapter 314, as amended by Acts, 1931, Forty-second Legislature, page 480, Chapter 277, Section 6) providing for the sale, lease, assignment, and/or transfer of permits owned or obtained under this section; repealing all laws or parts of laws in conflict therewith, and declaring an emergency."

(With engrossed rider.)

H. B. No. 284, A bill to be entitled "An Act amending Article 5714 of

the Revised Civil Statutes of the State of Texas, of 1925, as amended by Chapter 83, Section 1, Acts of the Regular Session of the Forty-second Legislature, giving the Commissioner of Agriculture authority to make specific regulations with reference to specifications and tolerances for weighing and measuring devices and their use, and declaring an emergency."

H. B. No. 291, A bill to be entitled "An Act to amend Chapter 83, Senate Bill 179, of the General Laws passed by the Forty-first Legislature of the State of Texas at its Second Called Session, by amending Section 4 of said Act by adding, at the end of such Section the following: 'Provided, that any person who has to his credit in any standard college or university of Texas as much as six (6) hours of Government, shall be deemed to have met the requirements of this Section,' and declaring an emergency."

H. B. No. 402, A bill to be entitled "An Act making an appropriation of twelve hundred thirty-seven (\$1,237.00) dollars to the Crane County Independent School District in order to refund to said District over payment of interest on school bonds made by said district on bonds held by the State Permanent School Fund, and declaring an emergency."

H. B. No. 441, A bill to be entitled "An Act to amend Article 7064, Revised Civil Statutes of 1925, as amended by House Bill No. 8, Chapter 495, Article IV, Acts of the Third Called Session of the Forty-fourth Legislature of 1936; and to repeal Section 17, Chapter 40, Acts of the Forty-first Legislature, First Called Session, as relates to the payment of taxes; and to amend Article 4769, Revised Civil Statutes of 1925, as amended by said House Bill 8 above referred to; and to amend Article 7064a, as enacted by House Bill 8, Chapter 495, Article IV, Acts of the Third Called Session of the Forty-fourth Legislature aforesaid; and amending Article 7064 relating to insurance companies, corporations, reciprocals and other organizations or concerns transacting the business of fire, marine, marine inland, accident, credit, title livestock, fidelity, guaranty, surety, casualty or any other kind or character of insurance busi-

ness other than life insurance and fraternal benefit associations; . . . etc., and declaring an emergency."

H. B. No. 475, A bill to be entitled "An Act providing for the posting of legal notices at some place within the court house to be designated by the commissioners' court; and making this Act cumulative of all laws on the subject of posting of notices wherever such posting is required by law; and providing for the designation of the place or places where such notices shall be posted."

H. B. No. 480, A bill to be entitled "An Act amending Subsection (a) of Section 16 of Article 7076, Title 122 of the Revised Civil Statutes of Texas; providing certain regulations regarding the opening of any safety deposit box belonging to the decedent prior to the delivery of the same to the heirs or legal representatives, providing a penalty, and declaring an emergency."

H. B. No. 539, A bill to be entitled "An Act to amend Article 1063 of the Penal Code of the State of Texas of 1925 so as to include milk bottle cases, and declaring an emergency."

H. B. No. 553, A bill to be entitled "An Act amending Article 5453, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

H. B. No. 588, A bill to be entitled "An Act validating all cities of less than five thousand heretofore incorporated or attempted in good faith to be incorporated under the General Laws of the State of Texas under the commission form of government, validating all elections, election orders, election proceedings, affidavits and orders of incorporation and all governmental proceedings performed in good faith by the governing bodies of such cities or towns since their incorporation, or attempted incorporation, providing the provisions hereof shall affect no city or town now in litigation, and declaring an emergency."

H. B. No. 632, A bill to be entitled "An Act providing for the codifying and publishing of all city ordinances of every incorporated city, town, and village and every city, town and village operating under a home rule charter, defining the term codifying, providing that such ordinances when codified shall be accessible to the pub-

lic, providing for a penalty for failure to keep such ordinances accessible to the public, providing for the invalidating of all ordinances that are not codified, repealing all laws, and parts of law in conflict herewith, and containing a saving clause."

(With engrossed rider.)

H. B. No. 634, A bill to be entitled "An Act to amend Subdivision 38, of Article 19, Title 8, Revised Civil Statutes of 1925, as amended by Act of the Forty-first Legislature at its Regular Session page 125, Chapter 60, Section 1, 2 and 3, and providing for changing and prescribing terms and times for holding the courts in the counties composing the 38th Judicial District of Texas; validating and continuing all processes and writs, bonds and recognizances, and making them returnable to the terms of court in the several counties as herein fixed; to validate the summoning of grand and petit jurors under the present law so as to render them available under this Act; to repeal all laws and parts of laws in conflict herewith; and providing the time this Act shall take effect, and declaring an emergency."

H. B. No. 777, A bill to be entitled "An Act amending Article 7331, Revised Civil Statutes of Texas, 1925, as amended by Chapter 20, paragraph 8, Acts of the Forty-first Legislature, Fourth Called Session, by adding thereto a section to be known as Article 7331a providing that the tax assessor-collector in each county shall be entitled to a fee of \$1.00 for preparing and issuing redemption receipts and certificates; reporting and crediting redemptions; posting Comptroller's redemption numbers on the delinquent tax record or annual delinquent list; mailing certificates of redemption to taxpayers after approval by the Comptroller; and for issuing receipts or certificates of redemption for property shown on the annual delinquent list for each of the years 1930, 1931, 1932, 1933, and declaring an emergency."

(With engrossed rider.)

H. B. No. 785, A bill to be entitled "An Act amending Section 10, Acts of 1925, Second Called Session of the Forty-fourth Legislature, page 1800, Chapter 467, House Bill 77, and declaring an emergency."

H. B. No. 806, A bill to be entitled "An Act declaring the Collared Peccary or Javelina a game animal; providing an open season for taking same and the number that may be taken or possessed; prohibiting the sale of any Peccary or part of such animal; providing a suitable penalty, and declaring an emergency."

H. B. No. 863, A bill to be entitled "An Act increasing the allowance for office and traveling expenses for county superintendents in all counties containing a population according to the last preceding Federal Census of not less than 8600 nor more than 8650, and not less than 5550 nor more than 5600, and not less than 12,150 nor more than 12,200 and declaring an emergency."

(With engrossed rider.)

H. B. No. 880, A bill to be entitled "An Act to amend the Acts of 1933, Forty-third Legislature, Regular Session, page 547, Chapter 178, Section 13, relating to the issuance and manufacturing of the license number plates so as to provide for the issuing of a late license number plate, seal, sticker, or device, as the State Highway Commission may direct, for attaching same and relating to the State Penitentiary furnishing license number plates and road signs, providing for the purchasing of road signs by the State Board of Control on requisition of the State Highway Department; the Acts of 1929, Forty-first Legislature, Second Called Session, page 172, Chapter 88, Section 13-a, relating to replacement of number plates so as to provide for replacement of license number plates, seals, stickers, and/or devices; the Acts of 1934, Forty-third Legislature, etc., and declaring an emergency."

H. B. No. 893, A bill to be entitled "An Act to amend Section 6 of House Bill No. 303, Chapter 245, page 856 of the Acts of the Regular Session of the Forty-third Legislature as amended by House Bill 373; Chapter 264, page 651 of the Acts of Regular Session of the Forty-fourth Legislature to exempt from the provisions thereof associations which are not operated for profit and which pay no salaries or commissions to anyone and which limit their membership to employees and the families of employees of any design-

nated firm, corporation or individual; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

(With engrossed rider.)

H. B. No. 918, A bill to be entitled "An Act amending Article 3771 of Title 56 of the Revised Civil Statutes of Texas, 1925 Edition, by making an addition thereto providing for the withholding of execution after judgment in case of inability of the defendant to make supersedeas bond under certain conditions, and providing for motion and hearing before district or county court to establish facts as to those conditions, and declaring an emergency."

H. B. No. 938, A bill to be entitled "An Act amending Article 3605, to provide for the appointment of a guardian for a non compos mentis interested in an estate subject to division; providing for appointment of a guardian ad litem and/or attorney to represent non-residents and unknown parties having an interest in said property, and declaring an emergency."

H. B. No. 940, A bill to be entitled "An Act making theft of wool or mohair or edible meat a felony; prescribing penalties therefor, and declaring an emergency."

H. B. No. 984, A bill to be entitled "An Act providing for a closed season for the killing, taking or possessing of squirrel in the County of Wharton, Texas, during the months of January, February, and March of each year; providing a penalty for the violation of the provisions of this Act; repealing any provisions of law in conflict herewith, and declaring an emergency."

H. B. No. 990, A bill to be entitled "An Act to create a more efficient road law for Burnet County, providing the payment of a tax of three dollars (\$3.00) by all persons in said county, subject to road duty under the General Laws, or the performance of certain manual labor on the road, in the discharge of said road duty; providing the manner of assessing and collecting said road tax, and providing a penalty for failure or refusal to perform said road duty, repealing all laws in conflict herewith, and declaring an emergency."

(With engrossed rider.)

H. B. No. 991, A bill to be entitled "An Act providing for the creation of corporations for the purpose of establishing, maintaining, operating and engaging in the business of grading, constructing of terraces and drainage structures and all other forms of dirt construction work, and declaring an emergency."

H. B. No. 992, A bill to be entitled "An Act providing for trials of the contest of local option elections held pursuant to the terms of the Liquor Control Act; providing the time and manner in which such local option elections may be contested; prescribing the effect to be given the judgment of the courts in which said election is contested, and providing further that when no contest is filed within the time and the manner herein provided, that the legality of the election shall be conclusively presumed and shall be binding upon all courts, and declaring an emergency."

H. B. No. 998, A bill to be entitled "An Act fixing the salaries of certain county officials in certain counties with a population of not less than twelve thousand, two hundred twenty-seven (12,227) and not more than twelve thousand two hundred thirty (12,230) according to the last preceding Federal Census of 1930, and declaring an emergency."

H. B. No. 1005, A bill to be entitled "An Act amending Title 25 of Article 911b, Section 6, paragraph (d) of Vernon's Annotated Texas Statutes by providing that the Railroad Commission of Texas may issue special permits to transport used office furniture and equipment for hire by motor vehicles, and declaring an emergency."

H. B. No. 1006, A bill to be entitled "An Act to amend Chapter 57 of the Acts of the Forty-first Legislature of Texas, Regular Session, by amending Section 12 thereof so as to provide for the funding of scrip and warrant indebtedness of the road and bridge fund of Montgomery County, Texas, legally incurred prior to January 1, 1937; and by adding to said Act Section 13b, validating, ratifying, legalizing and confirming an issue of \$65,391.77 of road and bridge funding warrants of said county, dated November 1, 1936, and authorizing the funding thereof into coupon bonds of said county, in ac-

cordance with the terms and provisions of this Act; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 1008, A bill to be entitled "An Act to amend Article 1302, Title 32, of the Revised Civil Statutes of Texas, of 1925, by adding another subdivision thereto authorizing private corporations to be created for the purpose of providing for the registration, preservation of the purity of blood, and improvement in the breeding of any species or class of livestock, and to keep, maintain and publish in suitable form the history, record and pedigree thereof, and declaring an emergency."

(With engrossed rider.)

H. B. No. 1010, A bill to be entitled "An Act establishing a County Law Library in counties in this State having three or more district courts sitting for all of its terms or some of its terms with both civil and criminal jurisdiction, none of which have more than four terms a year and one which sits and has jurisdiction in not less than two other counties; providing a fund to be administered by the commissioners' court to be raised by collecting \$1.00 as costs in each case filed in any of said courts in said county except delinquent tax suits and including all civil and criminal county courts or district courts; providing, however, that the county shall in no event be liable for any cost in any civil or criminal case; providing for a custodian or librarian and his salary; providing for housing and management, and declaring an emergency."

H. B. No. 1026, A bill to be entitled "An Act amending Chapter 4, Acts of the Regular Session of the Forty-fourth Legislature, 1935, same being H. B. No. 226 of said Regular Session, authorizing the Criminal District Attorney of the One Hundred Twenty-fourth Judicial District of Texas to appoint two assistants; providing for the appointment, if necessary, of a criminal investigator and stenographer; etc., and declaring an emergency."

H. B. No. 1030, A bill to be entitled "An Act to amend Article 6711-a, Chapter 33, Acts of the Regular Session, as amending Chapter 2, of

Title 116, of the Revised Civil Statutes of Texas, 1925, by providing that upon application of ten (10) or more resident citizens of the Counties of Leon, Madison and Anderson, or one person living within an enclosure of five hundred (500) acres or more in said counties, the commissioners' court of said county shall open a road through said enclosure of land; etc., and declaring an emergency."

H. B. No. 1043, A bill to be entitled "An Act declaring all motor vehicle registration or license plates to be the property of the State Highway Commission of Texas until duly or lawfully purchased for use upon a motor vehicle owned by the purchaser thereof; declaring it unlawful for any tax assessor-collector, tax collector or other officer to sell, transfer, convey or otherwise deliver any registration or license plate for any consideration other than the full value thereof paid in lawful money; declaring that any violation of the provisions of this Act shall constitute a misdemeanor and prescribing a punishment upon conviction; fixing venue of such prosecution in Travis County, Texas; declaring the terms of this Act to be severable; repealing all laws in conflict, and declaring an emergency."

H. B. No. 1045, A bill to be entitled "An Act declaring it unlawful for any person to sell, take or have in his possession for barter or sale after the passage of this Act, for a period of five (5) years, any wild fox or the pelts thereof in the Counties of Hunt and Rains, State of Texas, and providing a penalty therefor, and declaring an emergency."

(With engrossed rider.)

H. B. No. 1048, A bill to be entitled "An Act granting the Commissioners' Court of Taylor County permission to pay out of the General Fund of said county bounties for the destruction of rabbits and ravens, and declaring an emergency."

(With engrossed rider.)

H. B. No. 1053, A bill to be entitled "An Act fixing an open season or period of time when it shall be lawful to hunt, take or kill wild mourning doves in the South White Wing Zone; amending Article 879a of the

Penal Code of Texas as amended by the Acts of 1929, Forty-first Legislature, page 173, Chapter 74, paragraph 1; etc., and declaring an emergency."

H. B. No. 1055, A bill to be entitled "An Act to amend Article 492 of Chapter 8, Title 16 of the Revised Civil Statutes of Texas, 1925, with respect to State control of banking institutions; providing that corporations organized under such title are declared to be governmental instrumentalities of the State; repealing all laws in conflict, and declaring an emergency."

H. B. No. 1057, A bill to be entitled "An Act providing that in certain counties convicts, either laying their fines out in jail or working such fines out on the County Farm or on the county roads or other public works shall receive a credit therefor of \$1.00 per day for each day worked, or spent in jail, and declaring an emergency."

(With engrossed rider.)

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, April 14, 1937.

Hon. Walter F. Woodul, President of
the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. B. No. 440 by a vote of 117 yeas and 0 nays.

The House has concurred in Senate amendments to H. B. No. 377 by a vote of 120 yeas, 0 nays.

The House has concurred in Senate amendments to H. B. No. 326 by a vote of 121 yeas, 0 nays.

The House has laid on the table, by a vote of 69 yeas and 38 nays, the following bill:

S. B. No. 244, A bill to be entitled "An Act authorizing the county board of trustees of each organized county to detach from one and add to another school district territory contiguous to the common boundary line of the districts affected; and providing for the adjustment of outstanding indebtedness; providing for the creation of new independent common school districts and county line

districts out of parts of other school districts; and providing for adjustment of any bonded indebtedness and the assumption of said indebtedness; repealing all laws in conflict therewith, but providing that this Act shall be cumulative of the provisions of the present law governing common and independent school districts not in conflict herewith; and declaring an emergency."

The House has passed the following bills:

S. B. No. 436, A bill to be entitled "An Act declaring the floods of Bexar County, Texas, to be a public calamity; authorizing an adoption and grant to Bexar County of one-half of the State ad valorem taxes collected in Bexar County for flood control improvement and maintenance purposes, specifying the reports thereon to be made by the assessor and collector of taxes; authorizing the issuance of bonds secured by a pledge of the funds donated and granted by the State and prescribing the manner of issuance thereof; etc., and declaring an emergency."

(With amendments.)

S. B. No. 345, A bill to be entitled "An Act making appropriation for the support and maintenance of certain employees of the Motor Transportation Division of the Railroad Commission for the last six months of the current biennium ending August 31, 1937, and declaring an emergency."

(With amendments.)

S. B. No. 222, A bill to be entitled "An Act to provide for the cession by the State of Texas to the United States of America of all right, title, and interest which the State of Texas may have in and to certain lands in Cameron and Hidalgo Counties comprising the bed and banks of the Rio Grande, and to certain lands in Cameron, Hidalgo, and Willacy Counties comprising the bed and banks of the Arroyo Colorado; retaining jurisdiction as to certain of such lands in the State of Texas for certain purposes; reserving the rights of the State of Texas, and residents and citizens thereof, to waters of the Rio Grande and the Arroyo Colorado, and in the use thereof, and

in the access thereto; and declaring an emergency."

(With amendments.)

S. B. No. 226, A bill to be entitled "An Act to increase the police powers of all incorporated cities and towns and authorizing such cities and towns to, by suitable ordinance, regulate, supervise, control and license all persons, firms or corporations, engaged, primarily or incidentally, in the business of buying, selling or dealing in used motor vehicles or parts thereof or accessories within the corporate limits of such city or town; providing that if any part of this Act is declared unconstitutional such decision shall not affect the validity of the remaining portion of the Act, and declaring an emergency."

(With amendments.)

S. B. No. 317, A bill to be entitled "An Act making it unlawful to use or possess a seine, net or trawl in certain waters of Nueces County; providing for the use of certain tackle for catching bait in such waters; providing that it shall be lawful to use a licensed trawl, net or seine in the other salt waters of Nueces County; providing a penalty for any violation of this Act and giving the Game, Fish and Oyster Commission or authorized agent the right to hold certain tackle as evidence; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

(With amendments.)

S. B. No. 338, A bill to be entitled "An Act to amend Article 6068 of the Revised Civil Statutes of Texas, relating to, and declaring an emergency."

S. B. No. 339, A bill to be entitled "An Act amending Article 6067 of the Revised Civil Statutes of Texas, and declaring an emergency."

The House has refused to concur in Senate amendments to H. B. No. 765 and requests the Senate for the appointment of a free conference committee to adjust the differences between the two Houses. The following are appointed as conferees on the part of the House:

Messrs. Fielden, Harper, Celaya, Waggoner and Weldon.

The House has passed the following bills and resolution:

S. B. No. 362, A bill to be entitled "An Act providing for the payment of warrants and vouchers issued by towns and cities in the State of Texas for funds received and used by such towns and cities in a sum not to exceed Eight Thousand (\$8,000) Dollars prior to June 1, 1932, and applying to such warrants and vouchers issued as renewals of such original warrants and vouchers, and declaring an emergency."

S. B. No. 376, A bill to be entitled "An Act to amend Article 6069, Revised Civil Statutes of Texas, relating to the duties of the State Parks Board, and declaring an emergency."

(With amendments.)

H. B. No. 1017, A bill to be entitled "An Act making it unlawful for butane, or liquified petroleum gas, or artificial or natural gas to be handled, stored, sold or distributed in this State by any person, firm corporation or other concern, without first being malodorized or odorized so that it will be perceptible and recognizable by the sense of smell; partially defining such odorants or malodorants; empowering the Railroad Commission of Texas to pass upon the sufficiency of same and to issue rules and regulations for the enforcement of this law and giving same the force and effect of law; providing penalties for failure of any person, firm, corporation, or associations and their officers to comply herewith; empowering the Attorney General to bring suits for such enforcement and penalties, and declaring an emergency."

The House has passed:

H. C. R. No. 95, Authorizing the Enrolling Clerk of the House to correct the caption of H. B. No. 377.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Joint Resolution No. 5 on
Engrossment.

The President laid before the Senate, as unfinished business on its passage to engrossment (the resolution having been read second time on Wednesday, April 7, 1937):

S. J. R. No. 5, Proposing an amendment of Section 51b of Article III of the Constitution of the State of Texas so as to require the Legislature to provide for a system of Old Age Pension and/or Assistance not to exceed Fifteen Dollars (\$15) per person per month to actual bona fide residents of the State of Texas, over the age of sixty-five years, excluding therefrom habitual criminals, habitual drunkards and inmates of a State supported institution; providing for the length of time of actual residence by applicants within the State of Texas; authorizing the Legislature to accept financial assistance from the United States Government for Old Age Pensions and/or Assistance; levying a two per cent occupation tax on persons engaged in the business of making retail sales of goods, wares, merchandise and commodities including the gross receipts of places of amusement; creating a Special Old Age Pension and/or Assistance Fund or funds and providing that same shall never be diverted; providing that said fund shall be prorated to the aged of this State without regard to previous standards of living, income or other restrictions than those specifically set forth; requiring the Legislature to define terms, to set up machinery to administer such law and to make appropriations necessary for the administration of same; providing for the necessary proclamation, publication and election.

With the following amendment by Senator Sulak and the following substitute by Senator Small and others for the amendment and the following amendment by Senator Aikin to the substitute pending:

Amendment by Senator Sulak.

Amend S. J. R. No. 5 by striking out all of Section 1, beginning with line No. 43, and insert in lieu thereof the following:

"For the purposes of paying Old Age Pension and/or Assistance the Legislature shall levy against all persons, companies, firms, partnerships, corporations, and unincorporated companies or associations engaged in the business of retail sales of tangible personal property, or engaged in the business of conducting places of amusement of any kind and

character, a sales tax not to exceed two (2%) per centum of the gross sales so made in the retail trade and of the gross receipts of such places of amusement; provided that the tax shall not be levied as to sales of motor fuel, tobacco and tobacco products, nor as to sales of agricultural products by the actual producer, nor as to sales by organizations for the benefit of charitable religious or educational purposes; provided, further, that the tax as to gross receipts of all places of amusement shall not be levied as to the gross receipt from performances the net proceeds of which go to charitable, religious or educational purposes.

"All such sales taxes so levied and collected shall constitute a special fund or funds and shall never be diverted to any other purposes than the payment of Old Age Pension and/or Assistance, and no greater tax shall be levied than will be sufficient to pay Fifteen (\$15.00) Dollars per month to all persons entitled to such Old Age Pensions and/or Assistance and necessary costs of administration. All funds derived from such tax in excess of necessary costs of administration shall be distributed prorata to the aged of this State who meet the foregoing requirements without regard to the previous standard of living of the applicant and without regard to income or other restrictions than those herein specifically provided. The Legislature shall forthwith enact laws necessary to carry into effect the provisions of this enactment, and shall set up the machinery to administer said law and shall make such appropriations out of the special fund or funds herein created as are necessary for the administration of the same. There shall never be levied in this State a sales tax or gross receipts tax on the sales herein provided to be taxed other than the one herein provided for, except on spirituous, vinous and malt liquors.

"The term 'retail sale' shall mean the sale or transfer of any goods, wares, merchandise, or tangible personal property for a valuable consideration within this State when such transfer is made by one in the ordinary course of his business and the sale is made for consumption or use, or for any purpose other than for

resale, or for use in processing, manufacturing or industrial enterprises. The term 'retail sale' shall not include the isolated or occasional sale of tangible personal property by a person not engaging in the retail business, nor goods or products sold by the actual producer, nor if the thing sold is purchased for resale by the buyer in the ordinary course of his business, nor if it is to be used or consumed by a manufacturing, industrial or processing business in creating other goods, wares, merchandise or services for sale to the public. Conditional sales are included within this definition when in other respects such sales meet the test of a retail sale. No political subdivision of this State shall have authority to levy any occupation tax by virtue of this amendment.

"The retail sales tax hereby levied shall be paid by the buyers at such retail sales but shall be collected by the sellers at such retail sales under the terms and in the manner as may hereafter be provided for by the Legislature."

Substitute by Senator Small.

Amend S. J. R. No. 5 by striking out below the resolving clause and inserting in lieu thereof the following:

Section 1. That Section 51-b of Article III of the Constitution of the State of Texas be so amended as to hereafter read as follows:

Sec. 51-b. (1) The Legislature shall have power by general laws to provide, under such limitations, restrictions and regulations as may be deemed expedient by the Legislature, for financial assistance not to exceed Fifteen (\$15.00) Dollars per month to needy individuals over the age of sixty-five (65) years, to needy individuals who are blind, to needy individuals who are unfit for employment due to disease, and to needy dependent children, and to provide reasonable facilities for promoting and protecting the health of needy mothers and children, including adequate medical, surgical and corrective services and care for crippled children. No such financial assistance shall be granted to an habitual criminal, habitual drunkard or to an inmate of any State supported insti-

tution, and such assistance shall be confined to actual bona fide citizens of Texas who have resided in this State for as many as five years during the nine years immediately preceding the grant of assistance and continuously for one year immediately preceding such grant, provided the Legislature may impose such requirements as to residence and citizenship of dependent mothers and children as may by it seem proper.

(2) To provide revenue with which to discharge the functions authorized herein, the Legislature may accept financial aid from the United States Government and shall levy and cause to be collected a tax on retail sales not to exceed two (2%) per cent of the gross amounts thereof. The term "retail sale" shall mean the sale or transfer of any goods, wares, merchandise, or tangible personal property for a valuable consideration when such transfer is made by one in the ordinary course of his business to the ultimate consumer for consumption or use, or for any purpose other than for resale, or use in processing, or manufacturing, or for use by the United States Government, the State of Texas, or any political subdivision thereof. The term "retail sale" shall not include isolated or occasional sales of tangible property made by a person not engaged in the retail business nor to the sale of agricultural, dairy or livestock products when sold by the actual producer, nor to sales comprising a business upon which occupation privilege or gross receipt taxes are now authorized by law. All revenue derived from such sales tax authorized herein shall be collected and placed in a special fund or funds and used solely for the purpose of discharging the functions herein authorized, and the power to levy additional taxes on retail sales or to provide additional revenue for such functions is expressly withdrawn.

Sec. 2. That Section 9 of Article VIII of the Constitution of Texas be amended so as hereafter read as follows:

Sec. 9. The State tax on property shall be restricted to the tax necessary to pay the public debt, to provide aid for Confederate soldiers and sailors and their widows, taxes provided for the benefit of public

free schools, as well as taxes heretofore diverted, relinquished or remitted to counties which taxes shall be levied, assessed and collected annually during the period of remission or diversion at a rate not to exceed thirty-five cents on the one hundred dollars valuation sufficient to meet the purposes for which the diversions or remissions were made by law; and no county, city or town shall levy more than twenty-five cents for city or county purposes, and not exceeding fifteen cents for roads and bridges, and not exceeding fifteen cents to pay jurors, on the one hundred dollars valuation, except for the payment of debts incurred prior to the adoption of the amendment September 25, A. D. 1883; and for the erection of public buildings, streets, sewers, waterworks and other permanent improvements, not to exceed twenty-five cents on the one hundred dollars valuation in any one year, and except as is in this Constitution otherwise provided; and the Legislature may also authorize an additional annual ad valorem tax to be levied and collected for the further maintenance of the public roads; provided that a majority of the qualified property tax paying voters of the county voting at an election to be held for that purpose shall vote such tax, not to exceed fifteen cents on the one hundred dollars valuation of the property subject to taxation in such county. And the Legislature may pass local laws for the maintenance of the public roads and highways, without the local notice required for special or local laws.

Sec. 3. The foregoing Constitutional amendment shall be submitted to the qualified electors of the State of Texas on the fourth Saturday in August, 1937, at which election there shall be printed on such ballot the following words:

"For the Amendment to Section 51-b of Article III of the Constitution giving the Legislature power to provide assistance to persons over the age of sixty-five years, to individuals who are blind, and to needy, dependent children and provide for the protection of the health of dependent mothers and children, including crippled children; authorize a Sales Tax to provide revenue therefor, and amending Section 9 of Article VIII

of the Constitution so as to eliminate the State ad valorem tax on tangible property."

"Against the Amendment to Section 51-b of Article III of the Constitution giving the Legislature power to provide assistance to persons over the age of sixty-five years, to individuals who are blind, and to needy, dependent children and provide for the protection of the health of dependent mothers and children, including crippled children; authorize a Sales Tax to provide revenue therefor, and amending Section 9 of Article VIII of the Constitution so as to eliminate the State ad valorem tax on tangible property."

If it appears from the returns of said election that a majority of the votes cast are in favor of said Amendment the same shall become a part of the State Constitution.

Sec. 4. The Governor shall issue the necessary proclamation for such election and shall have the same published and such election held as provided by the Constitution and the Laws of this State.

Sec. 5. The sum of Five Thousand (\$5,000.00) Dollars or so much thereof as may be necessary, is hereby appropriated out of the funds in the Treasury of the State, not otherwise appropriated, to pay the expenses of such publication and election.

SMALL,
COLLIE,
DAVIS,
NEAL.

Amendment by Senator Aikin to Substitute.

Amend Small substitute by striking out Section 2 and insert the following:

"There is hereby levied a severance tax of 6 per cent of the actual market value of all crude oil, and 10 per cent of the actual value of natural gas and 10 per cent of the market value of sulphur, and 10 per cent of the actual market value of carbon black, providing 75 per cent of all the above tax collected shall be placed in a fund or funds to be used solely to discharge the function herein authorized, and 25 per cent of all the above tax collected shall be placed in the available school fund."

Question—Shall the amendment to the substitute be adopted?

Pending consideration of the amendment to the substitute, Senator Collie occupied the chair temporarily.

(President in the chair.)

Bills Signed.

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills:

H. B. No. 491, "An Act to amend Article 4766, Revised Civil Statutes of 1925, as amended by Acts, 1935, Forty-fourth Legislature, page 24, Chapter 8, Section 1, and declaring an emergency."

H. B. No. 525, "An Act declaring the purpose of the Legislature in enacting this bill; creating the Texas Home for Colored Orphans and providing for the maintenance of such home at or near Gilmer, Texas, in the county of Upshur, upon a site or tract of land heretofore donated by the Dickson Colored Orphans, Inc., to and accepted by the State of Texas; repealing Sections 2 and 7 of Chapter 21, Acts of the Forty-first Legislature, Third Called Session, and all other laws and parts of laws in so far as they conflict with the provisions of this Act or its purpose to continue the maintenance of a negro orphan's home upon that tract of land donated to the State of Texas located in Gilmer, Upshur County, Texas, and declaring an emergency."

H. B. No. 596, "An Act to permit any county containing a population not less than five thousand, five hundred (5,500) nor more than five thousand, eight hundred (5,800) according to the last preceding Federal Census to adopt by majority vote of qualified voters of such county a county unit system to the extent provided in this Act; making provisions for the formation of a county-wide school district therein; making provision for holding election in each such county on the question of the adoption of the provisions of this Act; making provision for holding an election in each such county to determine whether an equalization tax not to exceed Twenty (20) Cents on the One Hundred Dollars (\$100)

valuation of property shall be levied and collected annually on all taxable property in the county, such tax to be distributed to the school districts of the county as herein provided; making provision for the assessment and collection of said equalization tax, and prescribing the duties of the county tax assessor and collector and superintendent; etc., and declaring an emergency."

H. B. No. 810, "An Act to make it unlawful to take, hunt, trap, shoot, or kill any wild turkey for a period of five years in Austin County, Texas; fixing penalties, and declaring an emergency."

H. B. No. 896, "An Act making it unlawful to use any seine, net, gill net, trot line or other mechanical or physical device, except hook and line, for the purpose of fishing within the waters of certain navigation districts in Texas; providing that possession of such devices on the right-of-way or lands or premises of such navigation districts shall constitute prima facie proof of guilt; providing for the punishment of persons violating the provisions hereof, and declaring an emergency."

H. B. No. 1029, "An Act amending Article 3902 as amended by Acts 1935, Forty-fourth Legislature, Second Called Session, page 1762, by adding thereto another section to be designated as Section 7, providing that in counties of a population bracket of not less than 39,496 and not more than 40,000 first assistant county attorneys shall receive a salary of from \$1,620.00 to \$1,920.00 per annum, to be determined by the commissioners' court, and declaring an emergency."

House Concurrent Resolution No. 94.

The President laid before the Senate the following resolution, received from the House today:

H. C. R. No. 94, Authorizing the State Highway Department to lend certain equipment to City of Navasota, Texas.

The resolution was read.

On motion of Senator Burns and by unanimous consent, the rule requiring concurrent resolutions to be referred to a committee was suspended, and the regular order of business was suspended, to permit

consideration of the resolution at this time.

The resolution was adopted.

House Bills and Joint Resolution on First Reading.

The following joint resolution and House Bills, received from the House today, were laid before the Senate, read severally and referred to the committees indicated:

H. J. R. No. 2, to Committee on Constitutional Amendments.

H. B. No. 51, to Committee on Privileges and Elections.

H. B. No. 115, to Committee on Criminal Jurisprudence.

H. B. No. 116, to Committee on Criminal Jurisprudence.

H. B. No. 163, to Committee on Educational Affairs.

H. B. No. 177, to Committee on Educational Affairs.

H. B. No. 259, to Committee on State Highways and Motor Traffic.

H. B. No. 284, to Committee on Agricultural Affairs.

H. B. No. 291, to Committee on Educational Affairs.

H. B. No. 402, to Committee on Finance.

H. B. No. 441, to Committee on Insurance.

H. B. No. 475, to Committee on Civil Jurisprudence.

H. B. No. 480, to Committee on Banking.

H. B. No. 539, to Committee on Agricultural Affairs.

H. B. No. 553, to Committee on Civil Jurisprudence.

H. B. No. 588, to Committee on Towns and City Corporations.

H. B. No. 632, to Committee on Towns and City Corporations.

H. B. No. 634, to Committee on Judicial Districts.

H. B. No. 777, to Committee on Counties and County Boundaries.

H. B. No. 785, to Committee on State Affairs.

H. B. No. 806, to Committee on Game and Fish.

H. B. No. 863, to Committee on Educational Affairs.

H. B. No. 880, to Committee on State Highways and Motor Traffic.

H. B. No. 893, to Committee on Insurance.

H. B. No. 918, to Committee on Civil Jurisprudence.

H. B. No. 938, to Committee on Civil Jurisprudence.

H. B. No. 940, to Committee on Criminal Jurisprudence.

H. B. No. 984, to Committee on Game and Fish.

H. B. No. 990, to Committee on State Highways and Motor Traffic.

H. B. No. 991, to Committee on Civil Jurisprudence.

H. B. No. 992, to Committee on Privileges and Elections.

H. B. No. 998, to Committee on Counties and County Boundaries.

H. B. No. 1005, to Committee on State Highways and Motor Traffic.

H. B. No. 1006, to Committee on State Highways and Motor Traffic.

H. B. No. 1008, to Committee on Civil Jurisprudence.

H. B. No. 1010, to Committee on Counties and County Boundaries.

H. B. No. 1026, to Committee on Judicial Districts.

H. B. No. 1030, to Committee on State Highways and Motor Traffic.

H. B. No. 1043, to Committee on State Highways and Motor Traffic.

H. B. No. 1045, to Committee on Game and Fish.

H. B. No. 1048, to Committee on Counties and County Boundaries.

H. B. No. 1053, to Committee on Game and Fish.

H. B. No. 1017, to Committee on State Affairs.

H. B. No. 1055, to Committee on Banking.

H. B. No. 1057, to Committee on Criminal Jurisprudence.

Conference Committee on House Bill No. 765.

Senator Van Zandt moved to grant the request of the House for a free conference committee to adjust the differences between the two Houses on H. B. No. 765.

The motion prevailed.

Accordingly, the President announced the appointment of the following free conference committee on the part of the Senate:

Senators Beck, Winfield, Neal, Van Zandt and Pace.

House Concurrent Resolution No. 95.

The President laid before the Senate the following resolution, received from the House today:

H. C. R. No. 95, Authorizing correction in caption to H. B. No. 377. The resolution was read.

On motion of Senator Shivers, and by unanimous consent, the rule requiring the reference of concurrent resolutions to a committee was suspended, and the regular order of business was suspended, to permit consideration of the resolution at this time.

The resolution was adopted.

Recess.

On motion of Senator Collie, the Senate, at 12:10 o'clock p. m. took recess to 2:30 o'clock p. m. today.

Afternoon Session.

The Senate met at 2:30 o'clock p. m. and was called to order by the President.

Senate Bill No. 376 With House Amendments.

Senator Burns called up S. B. No. 376 from the President's table, for consideration of the House amendments to the bill.

The President laid the bill before the Senate, and the House amendments were read.

On motion of Senator Burns, the Senate concurred in the House amendments.

Senate Bill No. 226 With House Amendments.

Senator Winfield called up S. B. No. 226 from the President's table, for consideration of the House amendments to the bill.

The President laid the bill before the Senate, and the House amendments were read.

On motion of Senator Winfield, the Senate concurred in the House amendments.

Senate Bill No. 317 With House Amendments.

Senator Neal called up S. B. No. 317 from the President's table, for consideration of the House amendments to the bill.

The President laid the bill before the Senate, and the House amendments were read.

On motion of Senator Neal, the Senate concurred in the House amendments.

Senate Joint Resolution No. 5 on Engrossment.

The Senate resumed consideration of pending business; same being S. J. R. No. 5 on its passage to engrossment; with amendment by Senator Sulak and substitute by Senator Small and others for the amendment and amendment by Senator Aikin to the substitute pending.

Motion to Adjourn.

Senator Weinert moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Yeas and nays were demanded, and the motion to adjourn was lost by the following vote:

Yeas—12.

Brownlee	Small
Holbrook	Spears
Moore	Stone
Rawlings	Van Zandt
Roberts	Weinert
Shivers	Winfield

Nays—18.

Aikin	Neal
Beck	Nelson
Burns	Newton
Collie	Oneal
Cotten	Pace
Davis	Redditt
Hill	Sulak
Isbell	Westerfeld
Lemens	Woodruff

Absent.

Head

Question recurred — Shall the amendment to the substitute be adopted?

Pending consideration of the amendment to the substitute, Senator Redditt occupied the Chair temporarily.

(President in the Chair.)

Senator Hill offered the following substitute for the amendment by Senator Aikin to the substitute by Senator Small for the amendment by Senator Sulak:

Amend the Small amendment to S. J. R. No. 5, Section 51, Subsection

(2), so that the same shall hereafter read as follows:

"To provide revenue with which to discharge the functions authorized herein, the Legislature may accept financial aid from the United States government, and shall levy a gross production or severance tax on the natural resources of this State as follows:

"1. On crude oil, not less than six per cent (6%) of the market value thereof when the price of crude oil is in excess of One Dollar (\$1.00) per barrel; and when the price of crude oil is less than One Dollar per barrel, not less than Five Cents (5c) per barrel.

"2. On sulphur and/or brimstone, not less than ten per cent (10%) of the value of the same at the mine, provided such tax shall not at any time be less than \$1.75 per long ton.

"3. On natural gas, ten per cent (10%) of the value thereof provided said tax shall not be less than One Cent (1c) per thousand cubic feet at the well.

"4. On carbon black, eight per cent (8%) of the cash market value thereof provided that said tax shall at no time be less than Two Cents (2c) per pound.

"The revenue derived from the imposition of such taxes shall be apportioned as follows: one-fourth to the available school fund of the State, one-fourth to the General Revenue Fund, and one-half for the purpose of discharging the functions herein authorized."

Question—Shall the substitute for the amendment to the substitute be adopted?

Bills and Resolution Signed.

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolution:

S. B. No. 339, "An Act amending Article 6067 of the Revised Civil Statutes of Texas, and declaring an emergency."

S. B. No. 338, "An Act to amend Article 6068 of the Revised Civil Statutes of Texas, relating to recreational areas, and declaring an emergency."

S. B. No. 362, "An Act providing

for the payment of warrants and vouchers issued by towns and cities in the State of Texas for funds received and used by such towns and cities in a sum not to exceed Eight Thousand (\$8,000) Dollars prior to June 1, 1932, and applying to such warrants and vouchers issued as renewals of such original warrants and vouchers, and declaring an emergency."

S. C. R. No. 56, Expressing appreciation of the Legislature of Texas to the Senate of the General Assembly of the State of Ohio.

H. B. No. 429, "An Act fixing terms of office and providing for election of school trustees in cities constituting Independent School Districts or which have assumed control of their public free schools and having, according to the last preceding Federal Census, a population of not less than 101,000 inhabitants, and not more than 105,000 inhabitants."

H. B. No. 326, "An Act defining indigent and non-indigent patients in State and psychopathic hospitals; providing for their support and that the State be reimbursed for the support, maintenance, and treatment of non-indigent patients, etc., and declaring an emergency."

Senate Bill No. 222 With House Amendment.

Senator Neal called up S. B. No. 222 from the President's table, for consideration of the House amendment to the bill.

The President laid the bill before the Senate, and the House amendment was read.

Senator Neal moved that the Senate concur in the House amendment.

The motion prevailed by the following vote:

Yeas—31.

Aikin	Isbell
Beck	Lemens
Brownlee	Moore
Burns	Neal
Collie	Nelson
Cotten	Newton
Davis	Oneal
Head	Pace
Hill	Rawlings
Holbrook	Redditt

Roberts	Van Zandt
Shivers	Weinert
Small	Westerfeld
Spears	Winfield
Stone	Woodruff
Sulak	

(Senator Rawlings in the Chair.)

Senate Bill No. 83 With House Amendments.

Senator Shivers called up S. B. No. 83 from the President's table, for consideration of the House amendments to the bill.

The Presiding Officer laid the bill before the Senate, and the House amendments were read.

Senator Shivers moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—24.

Beck	Newton
Brownlee	Pace
Burns	Rawlings
Cotten	Redditt
Davis	Roberts
Head	Shivers
Holbrook	Spears
Isbell	Stone
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Nays—6.

Aikin	Oneal
Collie	Small
Hill	Sulak

Absent.

Van Zandt

Message From the House.

A Clerk from the House was announced by the Doorkeeper, and was recognized by the Presiding Officer to present the following message:

Hall of the House of Representatives,
Austin, Texas, April 14, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 83, A bill to be entitled
"An Act providing for the protection
of the public health; defining certain

terms used in the Act; authorizing the State Health Officer to define and fix the specifications for certain grades of milk and milk products as defined in the Act; authorizing the State Health Officer and his representatives to supervise and regulate the labeling of milk and milk products; enabling cities and counties to require all milk sold within their boundaries to be graded and labeled; forbidding the use of certain grade labels except under certain conditions and providing penalties and remedies for violation of said provision; forbidding the use of grade labels or other designs or device misrepresenting the contents of any container of milk or milk products; providing remedies and penalties for the enforcement of this Act; provided that if any portion of the Act be held inoperative or invalid the remainder of the Act shall be unaffected thereby and declaring an emergency."

(With amendments.)

The House has adopted the following resolution:

H. C. R. No. 96, Authorizing the enrolling clerk of the House to make certain corrections in H. B. No. 440.

The House has adopted the Conference Committee Report on S. B. No. 261, by a vote of 124 yeas, 1 nay.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Concurrent Resolution No. 96.

The Presiding Officer laid before the Senate the following resolution, received from the House today:

H. C. R. No. 96, Authorizing correction in H. B. No. 440.

On motion of Senator Holbrook, and by unanimous consent, the rule requiring the reference of concurrent resolutions was suspended, and the regular order of business was suspended, to permit consideration of the resolution at this time.

The resolution was adopted.

Adjournment.

On motion of Senator Roberts, the Senate, at 5:05 o'clock p. m. adjourned until 10:00 o'clock a. m., tomorrow.

APPENDIX.

Bills Filed in Department of State.

Austin, Texas, April 13, 1937.
Hon. Bob Barker, Secretary of the Senate.

Dear Sir: I submit herewith a list of bills and resolutions passed by the Forty-fifth Legislature which were filed in this office Monday, April 12, 1937:

H. B. No. 131:
Vote in Senate, yeas 28, nays 2.
Vote in House, yeas 122, nays 2.
Date signed by the Governor, April 12, 1937.

Assuring you of my sincere pleasure in performing this service, I am

Yours very truly,

EDWARD CLARK,
Secretary of State.

By: M. E. SANDLIN,
Assistant Secretary of State.

Reports of Standing Committees.

Committee, Room,
Austin, Texas, April 13, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. C. R. No. 79,

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee, Room,
Austin, Texas, April 13, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred S. B. No. 472,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SPEARS, Chairman.

Committee, Room,
Austin, Texas, April 13, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 468, A bill to be entitled "An Act declaring to be an unlawful

monopoly and its purposes to be in restraint of trade, any combination of persons, firms or corporations which determines the amount of money to be paid to it or to its members for the privilege of rendering publicly for profit copyrighted vocal or instrumental musical compositions, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SMALL, Chairman.

Committee, Room,
Austin, Texas, April 13, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 55, A bill to be entitled "An Act to amend Article 2687, Revised Civil Statute of Texas, of 1925, so as to provide for the payment of salaries of the County Board of Trustees out of the State Available School Fund, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SMALL, Chairman.

Committee, Room,
Austin, Texas, April 13, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 457, A bill to be entitled "An Act amending Chapter 206 of the Acts of the Regular Session of the Forty-first Legislature; authorizing the Board of Directors of Texas Technological College and the Board of Directors of the Texas College of Arts and Industries and the Board of Regents of the Texas State Teachers Colleges of Texas to erect and equip and to contract for the erection, completion, and equipment of certain dormitories, cottages and other buildings and improvements and to purchase or lease additional real estate therefor, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to re-

port it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute for same, do pass in lieu thereof, and be printed.

SMALL, Chairman.

Committee, Room,
Austin, Texas, April 13, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 462, A bill to be entitled "An Act amending Article 3832, Title 57, 1925, Revised Civil Statutes of the State of Texas, adding thereto other forms and kinds of personal property that shall be reserved to every family, exempt from attachment or execution and every other species of forced sale for the payment of debts, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SMALL, Chairman.

Committee, Room,
Austin, Texas, April 13, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 287, A bill to be entitled "An Act amending Article 5142 of the Revised Civil Statutes of Texas as adopted by the 40th Legislature, Acts 1927, page 335, Chapter 228, concerning the qualifications, duties, appointments, salaries and removal of probation officers and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SMALL, Chairman.

Committee, Room,
Austin, Texas, April 14, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 671, A bill to be entitled "An Act creating the Coastal Division of Game, Fish and Oyster Commission; giving the power and mak-

ing it the duty of the Game, Fish and Oyster Commission to appoint an Executive Officer for the Division; providing that it may perform its duties through said officer; providing for the appointment by the commission of an Assistant Director of Coastal Division; providing the amount of compensation to be paid employees of the division to be fixed by the commission; providing for bonds for employees of Coastal Division; appropriating the Fish and Oyster Fund; providing the effective date of the Act; providing a saving clause; repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Committee, Room,
Austin, Texas, April 13, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. C. R. No. 53, Authorizing the Christian Restoration Association to sue the State of Texas.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed, together with Committee Amendment No. 1 thereto.

PACE, Chairman.

Committee Amendment.

Amend S. C. R. No. 53, by striking out in the paragraph containing the resolving clause, the following:

"and the State of Texas expressly waives the running of the statute of limitation against said claim in order that the statute may be construed and the validity of the claim determined upon its legal permits."

Committee, Room,
Austin, Texas, April 13, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 726, A bill to be entitled "An Act creating and establishing San Antonio River Canal and Con-

servancy District under authority of Section 59 of Article 16 of the Constitution of the State of Texas to be a governmental agency and body politic, municipal and corporate, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee, Room,
Austin, Texas, April 13, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 358, A bill to be entitled "An Act amending Article 2961, Revised Civil Statutes of Texas, 1925; repealing laws and parts of laws in conflict and expressly repealing Article 2962, Revised Civil Statutes of Texas, 1925, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Committee Room,
Austin, Texas, April 14, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 473, A bill to be entitled "An Act authorizing, consenting to and granting permission to C. D. Fairchild to sue the State of Texas, and ratifying and confirming consent heretofore given; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,
Austin, Texas, April 14, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 474, A bill to be entitled "An Act authorizing, consenting to and granting permission to J. W. Sessions to sue the State of Texas, and ratifying and confirming con-

sent heretofore given; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room.

Austin, Texas, April 14, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 475, A bill to be entitled "An Act providing a title for the Act; providing the definition of certain words, terms and phrases; providing for the repeal of that part of 'The Securities Act' defining a security as a 'certificate or any instrument representing any interest in or under an oil, gas or mining lease, fee or title' and defining such interest as real estate; providing certain exemptions; providing any one act prohibited herein shall be a violation thereof; providing for the administration of the Act, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Committee Room.

Austin, Texas, April 14, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 998, A bill to be entitled "An Act fixing the salaries of certain county officials in certain counties with a population of not less than twelve thousand, two hundred and twenty-seven (12,227) and not more than twelve thousand, two hundred and thirty (12,230) according to the last preceding Federal Census of 1930, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SPEARS, Chairman.

Committee Room,

Austin, Texas, April 14, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

H. B. No. 23, A bill to be entitled "An Act to amend S. B. No. 29, Chapter 13, Section 8, Fourth Called Session, Forty-first Legislature, reaffirming certain leases heretofore entered into by the Board created by said Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the substitute bill adopted by the committee and attached hereto, do pass and be printed.

WOODRUFF, Chairman.

Committee, Room,

Austin, Texas, April 14, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Agricultural Affairs, to whom was referred

H. B. No. 539, A bill to be entitled "An Act to amend Articles 1063, 1064, and 1065 of the Penal Code of the State of Texas of 1925 so as to include milk bottle cases; providing a constitutional savings clause, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, April 13, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 465 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, April 13, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No.

402 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, April 13, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 245 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, April 13, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 397 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, April 13, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 393 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, April 13, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 405 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, April 13, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bills Nos. 349, 284 and 455 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, April 13, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on

Engrossed Bills, have had S. B. No. 207 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, April 13, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 472 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, April 13, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 153 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, April 13, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 229 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, April 13, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 141 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, April 14, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 56 and Senate Bills Nos. 362, 338 and 339 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,
Austin, Texas, April 14, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on En-

rolled Bills, have had S. B. No. 212 carefully examined and compared and find same correctly enrolled.
WESTERFELD, Chairman.

FIFTY-NINTH DAY.

(Thursday, April 15, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called and the following Senators were present:

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

A quorum was announced present.

The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Aikin.

Reports of Standing Committees.

Reports on House Bills Nos. 397, 600, 1045, 958, 1053, 806, 984, 1010, 1006, 990, 1023 and 169, were submitted by the chairmen of the several committee to which they were referred.

Senate Bill No. 476 on First Reading.

Senator Moore moved that the rule limiting the time for introduction of certain bills to the first 45 days of the session be suspended, to permit the introduction at this time of a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31.

Aikin	Burns
Beck	Collie
Brownlee	Cotten

Davis	Redditt
Head	Roberts
Hill	Shivers
Holbrook	Small
Isbell	Spears
Lemens	Stone
Moore	Sulak
Neal	Van Zandt
Nelson	Weinert
Newton	Westerfeld
Oneal	Winfield
Pace	Woodruff
Rawlings	

The following bill was then introduced, read first time and referred to the Committee on Finance.

By Senator Moore:

S. B. No. 476, A bill to be entitled "An Act amending Chapter 174, Acts Regular Session, Forty-fourth Legislature by adding thereto a new Section to be known and designated as Section 1a following Section 1 of said Act, and amending Section 3 of Chapter 174, Acts Regular Session, Forty-fourth Legislature, re-appropriating the unexpended balances of the appropriation of Three Million Dollars (\$3,000,000.00) made in said Act according to the allocation of said fund as made in Section 1 thereof and recreating the Commission of Control for Texas Centennial Celebration and prescribing the duties of said commission and amending Section 18 of Chapter 174, Acts Regular Session, Forty-fourth Legislature in order to re-appropriate the unexpended balance of the One Hundred Thousand (\$100,000.00) Dollars heretofore appropriated to the use of the State Board of Control for the purpose of paying expenses for the administration of the duties imposed upon said board under the Act, and declaring an emergency."

Senate Joint Resolution No. 5 on Engrossment.

The President laid before the Senate, as unfinished business, on its passage to engrossment (the resolution having been read second time on Wednesday, April 7, 1937):

S. J. R. No. 5, Proposing an amendment of Section 51b of Article III of the Constitution of the State of Texas so as to require the Legislature to provide for a system of Old Age Pension and/or Assistance not